

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 5, 2003

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JOURNAL OF THE SENATE

TWENTY-FOURTH CALENDAR DAY
FIFTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 5, 2003

The Senate met in regular session at 8:34 a.m., President Kramer presiding.

Prayer was offered by the Reverend Corey Miller, pastor of the Carroll Church of Christ in Carroll, Iowa. He was the guest of Senator Kettering.

The Chair welcomed to the Senate chamber Senator JoAnn Johnson, former member of the Senate from Dallas County, Adel, Iowa.

The Journal of Tuesday, February 4, 2003, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he arrives, on request of Senator Iverson.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:38 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:48 a.m., President Kramer presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:49 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:59 a.m., Senator Johnson presiding.

ADJOURNMENT

On motion of Senator Gaskill, the Senate adjourned at 12:01 p.m. until 8:30 a.m. Thursday, February 6, 2003.

APPENDIX**CERTIFICATE OF RECOGNITION**

The Secretary of the Senate issued the following certificate of recognition:

Don and Barb Small, Sioux City — For celebrating your 50th wedding anniversary. Senator Warnstadt (2/5/03).

REPORTS OF COMMITTEE MEETINGS**GOVERNMENT OVERSIGHT**

Convened: February 4, 2003, 3:35 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; and Wieck.

Members Absent: Dvorsky (excused).

Committee Business: Presentation regarding fees.

Adjourned: 4:40 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 4, 2003, 3:05 p.m.

Members Present: McKinley, Chair; Behn, Vice Chair; Dotzler, Ranking Member; Putney and Quirmbach.

Members Absent: None.

Committee Business: Overview of the Governor's budget recommendations and presentation on performance measures.

Adjourned: 3:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 4, 2003, 3:05 p.m.

Members Present: Schuerer, Chair; Boettger, Vice Chair; Horn, Ranking Member; Kibbie and Shull.

Members Absent: None.

Committee Business: Overview of the Governor's budget recommendations and presentation by Ted Stilwell, Director of the Department of Education.

Adjourned: 4:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 4, 2003, 3:05 p.m.

Members Present: Miller, Chair; Angelo, Vice Chair; Hosch and Kreiman.

Members Absent: Fraise, Ranking Member (excused).

Committee Business: Presentations by representatives of the Department of Public Defense.

Adjourned: 4:20 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: February 4, 2003, 3:05 p.m.

Members Present: McKibben, Chair; Warnstadt, Ranking Member; Beall and Kettering.

Members Absent: Lamberti, Vice Chair (excused).

Committee Business: Overview of the Governor's budget recommendations and presentation by Telecommunications and Technology Commission.

Adjourned: 4:20 p.m.

EDUCATION

Convened: February 5, 2003, 11:05 a.m.

Members Present: Boettger, Chair; Connolly, Ranking Member; Angelo, Beall, Behn, Brunkhorst, Dvorsky, Hosch, Kreiman, Larson, Quirnbach, Redfern, and Rehberg.

Members Absent: McKinley, Vice Chair; and Holveck (both excused).

Committee Business: Presentation by Ted Stilwell, Director of the Department of Education, regarding the Program Elimination Commission and its impact on education.

Adjourned: 12:00 p.m.

RULES AND ADMINISTRATION

Convened: February 5, 2003, 8:38 a.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Gaskill, Putney, Ragan, and Sievers.

Members Absent: Courtney and Drake (both excused).

Committee Business: Passed SCRs 1 and 3 and the Ronald Reagan resolution.

Adjourned: 8:42 a.m.

STATE GOVERNMENT

Convened: February 5, 2003, 2:40 p.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, and Veenstra.

Members Absent: Lamberti (excused).

Committee Business: Approved [SSB 1011](#) (as amended).

Adjourned: 3:05 p.m.

TRANSPORTATION

Convened: February 5, 2003, 10:05 a.m.

Members Present: Drake, Chair; Putney, Vice Chair; McCoy, Ranking Member; Beall, Dearden, Fraise, Johnson, Kettering, Rehberg, Shull, Warnstadt, and Zieman.

Members Absent: Houser (excused).

Committee Business: Approved [SSB 1003.1](#).

Adjourned: 10:40 a.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 8](#), by committee on Rules and Administration, a resolution to recognize February 6 as Ronald Reagan Day in the State of Iowa.

Read first time under Rule 28 and **placed on calendar.**

INTRODUCTION OF BILLS

[Senate File 88](#), by Dotzler, a bill for an act relating to an employer's failure to make payments for employee health care benefits and providing a penalty.

Read first time under Rule 28 and referred to committee on **Judiciary.**

[Senate File 89](#), by Dvorsky, a bill for an act concerning the creation of and the method for imposition of the domestic violence shelter surcharge.

Read first time under Rule 28 and referred to committee on **Judiciary.**

[Senate File 90](#), by Tinsman, a bill for an act relating to the establishment of a centralized reporting and education program for sepsis.

Read first time under Rule 28 and referred to committee on **Human Resources.**

[Senate File 91](#), by Warnstadt, a bill for an act relating to the required fuel efficiency of newly purchased state and local government vehicles.

Read first time under Rule 28 and referred to committee on **State Government.**

[Senate File 92](#), by Connolly and Kibbie, a bill for an act relating to utilization of the district management levy to pay the cost of employee health insurance benefits.

Read first time under Rule 28 and referred to committee on **Education.**

[Senate File 93](#), by Larson, a bill for an act exempting from the individual income tax income of an individual received while on active duty as a member of the national guard or armed forces regular or reserve unit, and including effective and retroactive date provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means.**

Senate File 94, by Warnstadt, a bill for an act providing for the confidentiality of certain veterans' records maintained by county recorders.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 95, by Johnson, a bill for an act establishing a choose life motor vehicle registration plate and appropriating fees from such plates for adoption-related services.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 96, by Larson, a bill for an act providing for the regulation and licensing of home inspectors.

Read first time under Rule 28 and referred to committee on **Commerce**.

Senate File 97, by committee on Transportation, a bill for an act relating to highway, aviation, motor vehicle transportation and public transit, including regulation of junkyards along highways and placement of political signs, elimination of the aviation hangar revolving loan fund, applications for certificates of title by motor vehicle dealers, fees charged for driver's licenses and nonoperator's identification cards and making an appropriation, security interests in motor vehicles, charges financed in a motor vehicle retail installment transaction, confidentiality of motor vehicle accident reports, requirements for motor carrier safety rules, exemptions for certain motor vehicle operators from motor carrier safety rules and hazardous materials transportation regulations, load limits for vehicles transporting construction machinery, urban public transit funding, and tariffs charged by motor carriers of household goods, and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILLS RECEIVED

SSB 1003.1 Transportation

Relating to highway, aviation, motor vehicle transportation and public transit, including regulation of junkyards along highways and placement of political signs, elimination of the aviation hangar revolving loan fund, application for certificates of title by motor vehicle dealers, fees charged for driver's licenses and nonoperator's identification cards and making an appropriation, security interests in motor vehicles, charges financed in a motor vehicle retail installment transaction, confidentiality of motor vehicle accident reports, requirements for motor carrier safety rules, exemptions for certain motor vehicle operators from motor carrier safety rules and hazardous materials transportation regulations, load limits for vehicles transporting construction machinery, urban public transit funding, and tariffs charged by motor carriers of household goods, including effective and retroactive applicability date provisions.

SSB 1050 Judiciary

Relating to fraudulent use of a credit card and providing a penalty.

SSB 1051 State Government

Amending certain procedures for local government consolidation and allowing formation of local government empowerment committees.

SSB 1052 Ways and Means

Relating to a community renewal initiative by establishing a community development program to provide tax credits for income tax, franchise tax, premiums tax, and moneys and credits tax for businesses contributing to community development projects to aid certain neighborhoods and communities and including effective and applicability date provisions.

SSB 1053 Education

Relating to school district transportation routes outside a district's boundaries.

SSB 1054 Education

Relating to a review of statistical information compiled by the board of educational examiners from Praxis II examinations administrated to initial, provisional teaching license applicants.

SSB 1055 Human Resources

Relating to informed consent to an abortion and providing a criminal penalty, and providing an effective date.

SSB 1056 Human Resources

Relating to the establishment of exclusive grounds for a dissolution of marriage.

SSB 1057 Human Resources

Prohibiting the adoption and foster care of children by individuals who are homosexual.

SSB 1058 Commerce

Permitting written demand via regular mail prior to an action under the uniform commercial code for recovery of civil damages for a dishonored check, draft, or order, when supported by an affidavit of service.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 7**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate File 75

EDUCATION: Boettger, Chair; Connolly and McKinley

[Senate File 82](#)

APPROPRIATIONS: McKibben, Chair; Connolly and Lamberti

[Senate File 83](#)

WAYS AND MEANS: Sievers, Chair; Larson and McCoy

[Senate File 84](#)

WAYS AND MEANS: McKinley, Chair; Connolly and Miller

[Senate File 85](#)

EDUCATION: Boettger, Chair; Connolly and McKinley

[Senate File 86](#)

WAYS AND MEANS: Sievers, Chair; Bolkcom and Rehberg

[Senate File 87](#)

HUMAN RESOURCES: McKinley, Chair; Behn and Horn

[SSB 1003.1](#)

TRANSPORTATION: Drake, Chair; McCoy and Putney

[SSB 1050](#)

JUDICIARY: Putney, Chair; Holveck and Miller

[SSB 1051](#)

STATE GOVERNMENT: Shull, Chair; Drake and Kibbie

[SSB 1052](#)

WAYS AND MEANS: Angelo, Chair; McKibben and Stewart

[SSB 1053](#)

EDUCATION: Boettger, Chair; Behn and Kreiman

[SSB 1054](#)

EDUCATION: Hosch, Chair; Boettger and Connolly

[SSB 1055](#)

HUMAN RESOURCES: Veenstra, Chair; Boettger and Ragan

SSB 1056

HUMAN RESOURCES: Veenstra, Chair; Boettger and Hatch

SSB 1057

HUMAN RESOURCES: Schuerer, Chair; Behn and Kreiman

SSB 1058

COMMERCE: Behn, Chair; Sievers and Warnstadt

COMMITTEE REPORTS**RULES AND ADMINISTRATION**

Final Bill Action: [SENATE CONCURRENT RESOLUTION 1](#), a concurrent resolution relating to the federal Medicare program and requesting assistance from the federal government.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, 2: Courtney and Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE CONCURRENT RESOLUTION 3](#), a resolution requesting the establishment of standing Senate and House subcommittees on veterans affairs.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, 2: Courtney and Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE RESOLUTION 8](#) (LSB 1590sv), a resolution to recognize February 6 as Ronald Reagan Day in the State of Iowa.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Putney, Ragan, and Sievers. Nays, none. Absent, 2: Courtney and Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: [SENATE FILE 97 \(SSB 1003.1\)](#), a bill for an act relating to highway, aviation, motor vehicle transportation and public transit, including regulation of junkyards along highways and placement of political signs, elimination of the aviation hangar revolving loan fund, applications for certificates of title by motor vehicle dealers, fees charged for driver's licenses and nonoperator's identification cards and making an appropriation, security interests in motor vehicles, charges financed in a motor vehicle retail installment transaction, confidentiality of motor vehicle accident reports, requirements for motor carrier safety rules, exemptions for certain motor vehicle operators from motor carrier safety rules and hazardous materials transportation regulations, load limits for vehicles transporting construction machinery, urban public transit funding, and tariffs charged by motor carriers of household goods, and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Drake, Putney, McCoy, Beall, Dearden, Fraise, Johnson, Kettering, Rehberg, Shull, Warnstadt, and Ziemann. Nays, none. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.